

Application No. 10/519,501  
Amendment under 37 CFR 1.111  
Reply to Office Action dated February 8, 2007  
June 08, 2007

REMARKS

By this amendment, claims 5 and 12-18 have been cancelled and claims 1, 7 and 9-11 have been amended in the application. Currently, claims 1-4 and 6-11 are pending in the application.

The indication that claims 9-11 contain allowable subject matter and would be allowed if rewritten into independent form is noted with appreciation. By this amendment, claims 9-11 have each been rewritten into independent form and include all of limitations of original claim 1. It is therefore submitted that claims 9-11 should be allowed.

Claims 1 and 7 were objected to because in claim 1, line 11, "a active layer" should be "the active layer" and in claim 7, line 7, "a substrate" should be "the substrate". By this amendment, claims 1 and 7 have been amended to change "a" to --the--, in the respective locations of claims 1 and 7 and so these objections should be withdrawn.

The Examiner stated that the contents of the specification were not labeled with the proper section headings. By this amendment, the specification has been editorially amended to add the proper section headings to the application as requested.

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Claims 1 and 3-8 were rejected under 35 USC 102(e) as being anticipated by Tomiya et al. (U.S. Patent Application Publication No. 2005/0167836). Also, claim 2 was rejected under 35 USC 103(a) as being obvious over Tomiya et al. in view of Bergmann et al. (U.S. Patent Application Publication No. 2005/0056824). These rejections are respectfully traversed in view of the amendments to claim 1 and the remarks below.

In the present invention, the supercritical ammonia-containing solution contains Group I metal ions (used as a mineralizer). Consequently, the end face window layer formed by this method contains Group I metals (Li, Na, K, Rb, Cs).

Tomiya et al. relate to a nitride semiconductor laser characterized by having a stress concentration suppressing layer between an active layer and a cap layer. Tomiya et al. disclose in paragraphs [0094]-[0114] and explicitly state that they use epitaxial methods, i.e. MOCVD [0097]-[0098], MBE or similar [0114]. In particular, paragraph [0107], mentioned by the Examiner, gives the list of substances, which may be used in the epitaxial process (MOCVD) as sources of desired elements, i.e. TMG - as the source of gallium, TMAl - as the source of aluminum, TMIn - as the source of indium and NH<sub>3</sub> (ammonia) - as the source of

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nitrogen. This method has nothing in common with the supercritical ammonia method disclosed in the present application. Further, the layer according to Tomiya et al. definitely does not contain any Group 1 metals, because they are absent in the process environment of Tomiya et al.

Bergmann et al. do not make up for the deficiencies in Tomiya et al. Bergmann et al. relate to microelectronic devices and fabrication methods therefor, and more particularly to structures which may be utilized in Group III nitride semiconductor devices, such as light emitting diodes (LEDs). Bergmann et al. was only cited in the previous office action for the thickness of the window feature.

Therefore, Tomiya et al. and Bergmann et al., individually or in combination, do not show, teach or suggest the presently claimed invention and it would not have been obvious to one of ordinary skill in the art to combine these references in such a manner to render the present claims unpatentable.

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested.

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If there are any questions or concerns regarding this amendment or the remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,



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